Government Response

to

Framework for Action Against Family Violence, 2001 Review

[Summary of Government Response to Recommendations]

The Framework for Action Against Family Violence was initiated in 1995 in order to improve the response of the justice system to incidents of spousal/intimate partner violence. Elements of the Framework included:

- improved procedures for responding to family violence (pro-arrest, pro-charge, pro-prosecution p[illegible])
- comprehensive training program for all justice workers
- enhanced victim support services
- interagency coordination
- accountability
- advocacy

On February 28, 2000 Bruce Allan George and Lori Lee Maxwell were found dead in their home, victims of a domestic murder-suicide. Individual internal reviews conducted by the Departments of Justice and Community Services made several recommendations for improved response. In addition, the Department of Justice, in October, 2000, commissioned Dean Dawn Russell and Assistant Professor Diana Ginn of Dalhousie University Law School to conduct an external review of the Framework for Action. The terms of reference of the review included an assessment of the current level of support for the Framework among justice workers and in the community; how the policy is currently being implemented in practice; as well as recommendations for improving the response of the justice system to incidents of family violence.

Dean Russell's review concluded that there is "strong support among justice workers in Nova Scotia for the Framework for Action Against Family Violence" and that "there was consensus that the Framework was a very positive step in dealing effectively with intimate partner violence". The report did, however, include a number of recommendations for strengthening the Framework and making it more flexible and responsive to the needs of all persons affected by intimate partner violence.

Key recommendations include:

- Strengthen the coordination of measures to address spousal/intimate partner violence, within and external to the Department of Justice, involving both government and community stakeholders
- Deliver ongoing training for all justice workers, building on the successful model used during the implementation of the Framework in 1996-97
- Initiate a diversion pilot project in Cape Breton for intimate partner violence
- Initiate a specialized domestic violence court as a pilot project in the Halifax Regional Municipality, with possible expansion based on monitoring results
- Consider adopting domestic violence legislation as a supplement to the Framework for Action
- Reinstate the Family Violence Prevention Initiative
- Develop and/or expand victim support services; programs for assaultive partners; and programs for children exposed to family violence

- allocate adequate funding for the Public Prosecution Service and Correctional Service.

Response to Key Recommendations

A pro-charge, pro-prosecution philosophy will be maintained as the cornerstone of the Framework for Action Against Family Violence. The following provides an overview of responses to key recommendations.

Coordination

A Deputy Ministers Leadership Committee on Family Violence will be established to provide support at the most senior levels of government for interdepartmental and community/government collaboration and a comprehensive response to spousal/partner violence.

Protocols requiring the referral of high risk cases to primary service providers (police, victims' services, child welfare, transition houses and men's intervention programs) for case management and monitoring will be instituted. The Department of Justice, Public Prosecution Service, police agencies, Department of Community Services and community agencies will review (and revise/reinforce, where necessary) existing interagency protocols, with priority being given to protocols between child protection and police to improve information-sharing, case planning and coordination. Specialists in child protection and domestic violence will be consulted.

The Department of Community Services, as part of an internal Maxwell/George Review, has undertaken protocol development and revisions to existing protocols and will work jointly with the Department of Justice to implement these protocols.

A workshop on risk assessment, sponsored by the Victims' Services Division, Department of Justice, was held in September 2001, with participation from all components of the justice system as well as community agencies and other government departments. Standardized risk assessment tools will be identified for use by justice workers.

Ongoing Training

A Justice Learning Centre will be established in Truro by the Department of Justice, in partnership with the Nova Scotia Community College, to serve as a focal point for the comprehensive training recommended by Dean Russell. Training will focus on protocols for interagency collaboration in response to incidents of spousal/partner violence. It is anticipated that some components of the training will be delivered via distance education technology.

Staff orientation manuals and policy and procedures manuals will be updated to ensure relevant, updated information regarding response to family violence is included.

Training will include sensitization to the special circumstances of Aboriginal and diversity groups in order to enhance the response of the justice system to reports of family violence in these communities.

A specialized training program regarding the proposed domestic violence legislation will be developed and delivered to police, justices of the peace and court staff.

Victim Support Services

Government acknowledges that victim support programs are important not only to provide for the safety and well-being of victims and their children, but also to ensure effective

implementation of Framework policies. Funding will be provided to establish 3.5 domestic violence victim assistance coordinator positions to work with police agencies to provide victim assistance and support and to identify and refer high risk situations to relevant primary service agencies for case management and monitoring.

Government agrees that programs for children exposed to family violence are important in order to assist in the healing process and to break the cycle of violence. An approach that supports varied delivery mechanisms is recommended. The Department of Community Services will explore opportunities for establishment of new programming through the Mental Health Project.

Domestic Violence Legislation

A review by the Department of Justice of domestic violence legislation enacted in six provincial/territorial jurisdictions has revealed that provisions such as the emergency intervention order (which can incorporate a variety of conditions, for example, granting the victim exclusive occupation of the home for a defined period) are a useful addition to the mechanisms for responding to spousal/partner abuse. Legislation will be introduced in the Fall Session of the Legislature

Domestic Violence Court Pilot Project

Examination of the organization and operation of specialized domestic violence courts has been undertaken by the Department of Justice and the Federal Provincial Territorial Working Group on Spousal Abuse, of which the Nova Scotia Department of Justice is a member. While there is some evidence that specialized courts have produced positive results, the costs associated with the establishment and operation of these courts are significant. Due to fiscal restraint, this recommendation cannot be implemented at this time.

Diversion Pilot Project

The Department of Justice and Public Prosecution Service accept in principle the recommendation to initiate a diversion pilot project in Cape Breton. Implementation has been deferred due to fiscal restraint.

Family Violence Prevention Initiative

The objectives of providing government leadership in efforts to prevent and respond to family violence; promoting effective community-government partnerships; and facilitating interagency collaboration at the local level will be addressed through the establishment of a Deputy Ministers Leadership Committee on Family Violence and through the efforts of the Interdepartmental Committee for the Prevention of Family Violence, working together with local interagency family violence committees throughout the Province.

A detailed response to each of the recommendations is attached **here**.

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APPENDIX 'B'

Framework for Action Against Family Violence - 2001 Review

Recommendation	Responsibility	Action	Time Frame
1.0 POLICE			
1.1 Develop and deliver ongoing training for police and other justice workers	All justice components, coordinated by the DoJ in collaboration with DCS and community agencies	A Justice Learning Centre will be established in Truro by the Department of Justice in partnership wth the Nova Scotia Community College to serve as a focal point for training of justice workers. Training will focus on protocols for interagency collaboration in response to incidents of spousal/partner violence (see 8.2). A training coordinator, shared by the Departments of Justice and Community Services, will be contracted for one year to develop training modules for roll-out by departments/agencies at the local level. It is anticipated that some components of the training will be delivered via distance education technology. Orientation/policy and procedures manuals will be updated to ensure relevant, updated information regarding response to family violence is included Training will include sensitization to the special circumstances of Aboriginal and diversity groups in order to enhance the response of the justice system to reports of family violence in these communities. A specialized training program regarding the proposed domestic violence legislation (see 11.1) will be developed and delivered to police, justices of the peace and court staff.	To commence in Spring of 2002, implemented over a 2 year period. If and when legislation is passed.
1.2a Establish specialized domestic violence investigative units (metropolitan areas)	Police forces	Recommendation to be referred to police forces for review/response	Fall 2001
1.2b Establish process/mechanism for thorough investigation and	Police and Public Safety Services (DoJ)	Standard operating procedures for law enforcement agencies will be enhanced by the Police and Public	Spring 2002

follow-up in difficult cases (each municipality) 1.2c Each municipality to have crime prevention/victims' services coordinator within its police force	Police forces	Safety Services Division, Department of Justice, to ensure thorough investigation and follow-up in difficult cases. (Also see 8.2) The Nova Scotia Department of Justice has recognized that crime prevention/victim services is a core policing function which should be provided by all police forces. (See also 5.1)	
1.3 Refer issue of conflicting orders to the Chief Judge of the Provincial Court, Chief Justice of the Supreme Court, and Chief Judge of the Family Court	Judiciary Court Services (DoJ)	Discussions have taken place with the Chiefs of the various courts. Court staff will implement procedures to ensure that information regarding previous peace bonds and other orders is obtained from clients. The appropriate use of peace bonds is addressed in Framework policy and procedure for court staff in order to promote consistent practice.	To commence immediately
1.4a Seek legal advice from Crown prosecutors in difficult cases	Police and Public Safety Services (DoJ) Public Prosecution Service	Protocols will be implemented to address the issue of cross-charging and included in standard operating procedures for police. These will incorporate a primary aggressor policy and guidelines for seeking Crown advice in difficult cases.	Protocol development to commence immediately
1.4b Consider adoption of a primary aggressor policy		see above	
1.5 Review procedures to ensure victims and Victims' Services are informed regarding interim release	Police and Public Safety Services (DoJ) Public Prosecution Service Victims' Services (DoJ)	Framework protocols require that victims be informed regarding the interim release of an alleged perpetrator. Consultation with the Public Prosecution Service and Victims' Services regional staff revealed practical problems with notification (i.e. frequent changes of victim address, no telephones, evening/weekend release, unique problems in rural areas). This issue will be referred to the DoJ/PPS Family Violence Committee to develop mechanisms to improve coordination.	
1.6 Document domestic dispute calls	Police and Public Safety Services (DoJ)	Requirement to document domestic dispute calls will be incorporated in Framework policies, reinforced through standard operating procedures, and monitored through the audit process.	Enhancement of policies to commence immediately
2.0 CROWN ATTORNEYS			

2.1 Maintain a pro-charge, pro-prosecution philosophy as the cornerstone of the Framework; goal: secure convictions; enhance victim satisfaction	Management Committee (PPS) Police agencies	It is important for the public to understand the role of the Crown attorney. Goal is not to secure convictions but "to seek justice by prosecuting offences competently with fairness and equal treatment for all persons" A "prosecution" includes the laying of a charge in order to maintain compliance on the part of an accused with remedial measures in that minority of cases where another mode of prosecution is followed (e.g., early intervention pilot project if and when project is initiated - see 2.5). The responsibility for laying criminal charges rests with the police. While Crown Attorneys are sensitive to the concerns of complainants, the role of the Crown Attorney is broader than being only the complainant's advocate. For example, sometimes victims do not wish to proceed with a prosecution and the Crown Attorney, seeking what is in the public interest and in the best interest of the administration of justice, will proceed with the prosecution notwithstanding a complainant's wishes. The Crown must make reasonable efforts to obtain an early court date; prosecute cases where evidence exists regardless of victim/complainant wishes unless public interest considerations dictate otherwise; provide opportunity for complainant/victim and witnesses to meet with Crown attorney prior to trial; request no contact orders in appropriate circumstances and prosecute violations; inform victim/complainant of right to submit a victim impact statement to court and that they can be permitted to read it to the Court. Although the Crown refers complainants/victims to provincial Victims' Services, it should be noted that such referrals will also be made by police at an earlier stage of the process to ensure victim support at the earliest possible stage.	
2.2 Implement ongoing training for Crown in content areas specified	Management Committee and Education Development Committee (PPS)	On-going training and education regarding specific areas of law relevant to spousal/partner violence is being done. This	See 1.1

		training can and will be increased.	
2.3 Allocate sufficient resources to PPS for effective prosecution	Government of Nova Scotia	Additional resources cannot be allocated due to fiscal restraint.	
2.4a Complete PPS internal audit	PPS Management Committee	The spousal/partner violence prosecution internal PPS audit will be completed shortly. Individual meetings between Chief Crown Attorneys and individual Crowns attorneys will be held to discuss audit findings.	Fall 2001
2.4b Establish system for on-going monitoring to ensure compliance with Framework policies	PPS Management Committee	While ongoing monitoring does occur, a comprehensive audit must be deferred until additional funding is available.	
2.5 Initiate a diversion pilot project according to guidelines specified in 2.5 and 2.6, e.g. site selection, resource allocation, sufficient treatment programs, monitoring/measurement, criteria for inclusion of cases, on-going PPS commitment to training	DoJ PPS	The Department of Justice And Public Prosecution Service accept the recommendation in principle. Implementation deferred due to fiscal restraint.	
2.7a Undertake detailed study of the organization and operation of specialized domestic violence courts in other jurisdictions	DoJ PPS	Examination of the organization and operation of specialized domestic violence courts has been undertaken by the DoJ and the FPT Working Group on Spousal Abuse, of which the Nova Scotia DoJ is a member. Preliminary findings are consistent with those contained in the Russell report, suggesting that specialized courts (and processes) can be effective in achieving the goals of expediting the court process; increasing victims cooperation and reducing stay rates; prosecuting charges more effectively; providing better support for victims; and accessing intervention programs for batterers. However, the costs associated with the establishment and operation of specialized courts are significant. Due to fiscal restraint, it is proposed that this recommendation not be implemented at this time.	
2.7b Initiate a specialized domestic violence court as a pilot project in HRM, with possible expansion based on monitoring results	as above	See above. It should be noted, however, that initiatives can and will be taken within the existing court system to improve the response to spousal/partner abuse, such as improved scheduling, increased information to clients, etc.	
2.8 Implement measures for some specialization in small communities	as above	See above	
3.0 COURTS			

3.1 Provide training to Justices of the Peace	Court Services (DoJ)	A new system of justices of the peace is being implemented by the Department of Justice. The critical role of JPs in responding to spousal abuse will be considered in the development of the new system. Training will be provided to JPs to prepare them for their role in processing spousal abuse cases, specifically with respect to the proposed provincial domestic violence legislation (see 11.1)	Contingent upon passage of legislation
3.2 Distribute Russell report to the Chief Justice of Nova Scotia, Chief Justice of the Supreme Court, and Chief Judge of the Provincial Court, for the purposes identified	DoJ	The report has been provided to the Chiefs of the various courts.	
3.3 Develop a risk assessment and management tool for use by police, Crown, and Corrections	Victims' Services (DoJ) DoJ/PPS Family Violence Committee	A workshop on risk assessment, sponsored by the Victims' Services Division, Department of Justice, was held in September 2001, with participation from all components of the justice system, as well as community agencies and other government departments.. Standardized risk assessment tools will be identified for use by justice workers.	Spring 2002
3.4 Implement the prototype information system, developed in 1994 to track performance of the justice system	IT Division (DoJ)	The prototype system is being studied by the IT Division of the Department of Justice. Preliminary results suggest that although the model is sound, the lack of an integrated justice information system prevents data from being transmitted electronically to a central repository in order for a consolidation of information from all components of the justice system to occur. Further analysis is ongoing. In the interim, DoJ will institute a manual monitoring system to track the progression of spousal/partner violence cases through the justice system and monitor emergency intervention orders. (See 11.3)	Analysis underway Fall 2001
4.0 CORRECTIONAL SERVICES			
4.1 Allocate adequate funding to Corrections to reduce caseloads for probation officers	Correctional Services (DoJ)	Correctional Services (DoJ) is considering option of designating staff with expertise in family violence (based on conditional sentence supervision model). Additional resources cannot be allocated due to fiscal restraint.	Analysis underway
4.2a Provide training to Corrections staff on the effective and consistent application of the Framework	as above	see 1.1 above	

4.2b Establish procedures to flag files for Corrections application of Framework policies	as above	Warrants of Committal are flagged on the JOIS alerts system if a victim is listed on the WOC and a no contact order is in place. Correctional Service will work with Court Services to ensure that relevant information is always conveyed from the courts to corrections. Correctional Services is also preparing a policy to ensure that victims are informed when bail granted and alleged perpetrators are released from correctional institutions.	Policy enhancement underway
5.0 VICTIMS' SERVICES			
5.1 Conduct discussions with Department, Government, and community stakeholders, to determine the most appropriate and efficient ways of delivering services needed for full victim support. Commit sufficient funding for delivery of services needed for full victim support.	Victims' Services (DoJ)	Acknowledge that victim support programs are important not only to provide for the safety and well-being of victims and their children, but also to ensure effective implementation of Framework policies. Funding will be provided to establish 3.5 domestic violence victim assistance coordinator positions to work with police agencies to provide victim assistance and support and to identify and refer high risk situations to relevant primary service agencies for case management and monitoring.	Winter 2001-02
5.2 Reinstate the Family Violence Prevention Initiative	DoJ/ Interdepartmental Committee for the Prevention of Family Violence/Deputy Ministers Leadership Committee on Family Violence	Objectives of providing government leadership in efforts to prevent and respond to family violence; promoting effective community-government partnerships; and facilitating interagency collaboration at the local level to be addressed through the establishment of a Deputy Ministers Leadership Committee on Family Violence and through the efforts of the Interdepartmental Committee for the Prevention of Family Violence, working together with local interagency family violence committees throughout the Province.	Fall 2001
6.0 TRAINING			
6.1 Develop and implement ongoing training for all justice sectors		see 1.1 above	
6.2 Distribute Russell report to the Chief Judge of the Provincial Court, Chief Judge of the Family Court, Chief Justice of the Supreme Court, Chief Justice of Nova Scotia, and the National Judicial Institute, to identify perceived need for training for the judiciary	Minister of Justice	Minister of Justice has distributed report to Chiefs of the various courts.	
7.0 ACCOUNTABILITY			

7.1a Require PPS, Courts, and Corrections to formally restate their commitment to the Framework	DoJ PPS	Will restate commitment to the Framework and update protocols and operating procedures.	Winter 01-02
7.1b Require PPS, Courts, and Corrections, within six months of their restatement, to articulate means to monitor adherence	as above	Agree that monitoring adherence to the Framework is a critical element of a comprehensive response to family violence. Justice components will articulate means to monitor adherence within six months.	Spring 2002
8.0 INTERAGENCY COOPERATION			
8.1 Support and strengthen, with senior level commitment, the coordination of family violence activities, within and external to the Department	Deputy Ministers of Justice, Education, Community Services, Health, Director of Public Prosecutions	Deputy Ministers Leadership Committee on Family Violence will be established to provide support at the most senior levels of government for interdepartmental and government/community collaboration and a comprehensive response to spousal/partner violence.	Fall 2001
8.2 Review existing/develop new interagency protocols and confidentiality agreements	DoJ, PPS, Department of Community Services DCS	Protocols requiring the referral of high risk cases to primary service providers (police, victims' services, child welfare, transition houses and men's intervention programs) for case management and monitoring to be instituted. Department of Justice, Public Prosecution Services, police agencies, Department of Community Services and community agencies will review (and revise/reinforce, where necessary) existing interagency protocols, with priority being given to protocols between child protection and police to improve information-sharing, case planning and coordination. DCS, as part of the Maxwell/George Review, has undertaken protocol development and revisions to existing protocols and will work jointly with DoJ to implement.	Protocol development now underway.
8.3 Bring together specialists in child protection and domestic violence, for information exchange, cross-training, and protocol development	Victims' Services (DoJ) Community Services	In the development of protocols (see 8.2) specialists in child protection and domestic violence will be consulted.	Fall 2001
9.0 GAPS			
9.1 Develop programs for children exposed to family violence - accompanied by complimentary programs for non-violent parents	DCS	Agree that programs for children exposed to family violence are important in order to assist in the healing process and to break the cycle of violence. An approach that supports varied delivery mechanisms is	

		recommended. DCS will explore opportunities for establishment of new programming through the Mental Health Project.	
9.2 Expand programs for assaultive partners	DoJ Community Services	The Department of Community Services currently provides funding to 6 men's intervention programs and the Department of Justice operates a number of assaultive partners programs. The two departments are conferring with the program administrators to determine how intervention programming can best be delivered, with expansion contingent upon the results of the review and availability of funding through the regular budgetary process.	
9.3 Include in training, reluctance of victims living in Aboriginal communities and from visible minorities		see 1.1 above	
9.4 Increase reliance on evidence other than victim testimony	PPS Police agencies	This is part of the Framework policy and standard operating procedures.	
9.5 Expand support services for abused women, including women from Aboriginal communities and visible minorities	as per 5.1	See 5.1. Departments of Justice and Community Services will work to develop enhanced linkages with Mi'kmaq Friendship Centre, MISA, Women's Institute, African United Baptist Association. Expansion of services contingent upon the budgetary process.	
10.0 PUBLIC EDUCATION			
10.1 Maintain and expand initiatives in public education	Interdepartmental Committee for the Prevention of Family Violence	Agreed that such initiatives must be promoted through the Interdepartmental Committee for the Prevention of Family Violence and in consultation with local interagency committees.	
11.0 CIVIL LEGISLATION			
11.1 Consider domestic violence legislation as a supplement to the Framework	DoJ	A review by the Department of Justice of domestic violence legislation enacted in 6 provincial/territorial jurisdictions has revealed that provisions such as the emergency intervention order are a useful addition to the mechanisms for responding to spousal/partner abuse. Legislation will be introduced in the Fall Session of the Legislature.	Legislation to be introduced in Fall 2001
11.2 (if legislation adopted) Conduct training in advance of introduction of legislation	as per 1.1	Experience in other jurisdictions has demonstrated that training is crucial to the effective implementation of domestic violence legislation. Training will be undertaken, incorporated in	

		training plans as per 1.1	
11.3 Coordinate and monitor through interagency committees. Monitor through ongoing data collection. Evaluate within five years of introduction.	DoJ	DoJ will institute a data collection system to monitor emergency intervention orders	

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